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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/735,773	12/16/2003	Kazuo Hiraguchi	Q78930	4055
23373	7590	06/02/2005	EXAMINER	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			RIVERA, WILLIAM ARAUZ	
			ART UNIT	PAPER NUMBER
			3654	

DATE MAILED: 06/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/735,773

Applicant(s)

HIRAGUCHI, KAZUO

Examiner

William A Rivera

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-9 and 21-25 is/are allowed.
- 6) ☒ Claim(s) 10-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

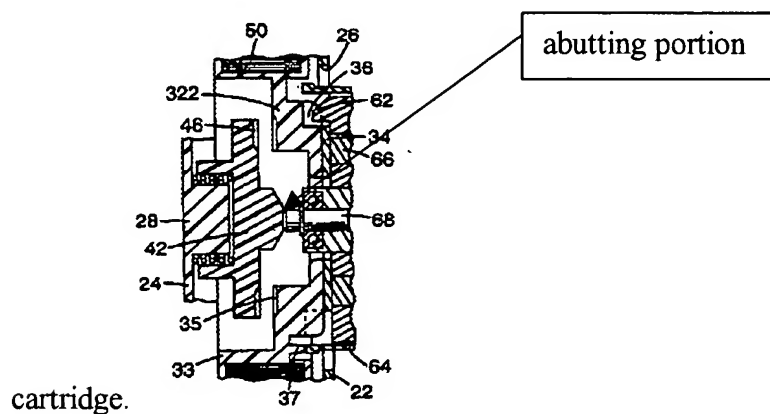
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al (U.S. Patent No. 6,273,352).

With respect to Claims 10-12 and 14-20, Johnson et al, Figures 1-9, teach a tape cartridge 10 which is insertable at a tape drive 14 which includes a rotating member and carries out at least one of reading and writing of data, the tape cartridge comprising a reel 30 inside the tape cartridge, the rotating member of the tape drive being engageable with the reel at a time of insertion of the tape cartridge; a brake member 40 which is reciprocally movable between a locking position for prohibiting rotation of the reel and an unlocking position for enabling rotation of the reel; and an abutting portion provided at the brake member and including an abutting surface which is capable of directly abutting against the rotating member for moving the

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brake member to the unlocking position at the time of insertion of the tape



Johnson et al do not mention the abutting portion being fabricated of metal. However, it would have been obvious to one of ordinary skill in the art to replace the plastic abutting portion of Johnson et al with that of metal because of the metal's durability and because such would minimize the wear of the abutting portion due to its contact with the drive member.

With respect to claim 13 Johnson et al teach all the elements of the tape cartridge except for the spherical radius being at least 3mm. However, it would have been an obvious to one of ordinary skill in the art, as determined through routine experimentation and optimization, to dimension the spherical surface of Japanese '833/admitted prior art as specified in Claim 1, line 13 and Claim 2, line 2 because one of ordinary skill would have been expected to have routinely experimented to determine the optimum dimensions for a particular use. It would have further been obvious to one of ordinary skill in the art to provide an increased spherical radius because such would provide a more stable rotation of the mutually abutting portions.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sato et al (Japanese Patent No. 2002-197833)/admitted prior art as applied to claims 10-12 and 14-20 above.

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Japanese '833/admitted prior art teach all the elements of the tape cartridge except for the spherical radius being at least 3mm. However, it would have been an obvious to one of ordinary skill in the art, as determined through routine experimentation and optimization, to dimension the spherical surface of Japanese '833/admitted prior art as specified in Claim 1, line 13 and Claim 2, line 2 because one of ordinary skill would have been expected to have routinely experimented to determine the optimum dimensions for a particular use. It would have further been obvious to one of ordinary skill in the art to provide an increased spherical radius because such would provide a more stable rotation of the mutually abutting portions.

Allowable Subject Matter

Claims 1-9 and 21-25 are allowed.

Response to Arguments

Applicant's arguments with respect to claims 10-20 have been considered but are moot in view of the new ground(s) of rejection.

The new grounds of rejection were necessitated by applicant's amendment, e.g., the requirement for "an abutting surface which is capable of 'directly' abutting against the rotating member", Claim 10, line 10.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William A Rivera whose telephone number is 571-272-6953. The examiner can normally be reached on Monday to Friday - 7:30 to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on 571-272-6951. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



WILLIAM A. RIVERA
PRIMARY EXAMINER

May 31, 2005